

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 13, 2000

DIVISION ONE

B124727 Levy et al. (Not for Publication)
v.
Pharmaceutical Distributors, Inc.

The judgment is reversed and the matter remanded for proceedings consistent with this opinion. Appellants Arnold and Levy are awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B132546 People (Not for Publication)
v.
Parker

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

April 13, 2000-Continued

DIVISION ONE (Continued)

B136068 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B130071 People (Not for Publication)
v.
Stevenson

The judgment is reversed and the cause remanded for a new trial.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B123947 People (Not for Publication)
v.
Nol & Garcia

We affirm the judgment.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B132258 Takaki et al. (Not for Publication)
 v.
 Hawthorne Savings, F.S.B.

The judgment is affirmed insofar as it awards the sums of \$1,676,616.71 and \$94,330.32 to Takaki; the judgment (and order for fees) are reversed; and the cause is remanded to the trial court with directions to calculate interest and costs (but not attorneys' fees), enter a new judgment, and render such further orders as are necessary, provided only that they are consistent with the views expressed in this opinion. The parties are to pay their own costs of this appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B132981 Levy et al. (Not for Publication)
 v.
 Pharmaceutical Distributors, Inc.

The order awarding costs to Pharmaceutical Distributors, Inc. is reversed. Appellants Arnold and Levy are awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

April 13, 2000-Continued

DIVISION ONE (Continued)

108207-00

The HONORABLE RICHARD ARAGON, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a Justice thereof, on the following dates:

April 17, 2000 to July 17, 2000

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: April 5, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION THREE

B132825 People (Not for Publication)
v.
Glover

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

April 13, 2000-Continued

DIVISION THREE (Continued)

B135853 People (Not for Publication)
v.
Magyari

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

[illegible]

The judgment is modified by staying execution of sentence on appellant's conviction for possession of cocaine for sale pending completion of his sentence on his conviction for transporting cocaine, such stay then to become permanent, and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the Penal Code section 1202.4 restitution fine in the amount of \$200, and the Health and Safety Code section 11372.5, subdivision (a), laboratory analysis fee of \$50, previously imposed by the trial court.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B132715 People (Not for Publication)
v.
Fyke

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed, except that the conduct award is modified to award appellant an additional 99 days conduct credit pursuant to Penal Code section 4019. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy thereof to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B128766 People (Not for Publication)
v.
Donnell

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Schneider, J. (Assigned)

B128288 People (Not for Publication)
v.
Hauschild

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Schneider, J. (Assigned)

DIVISION THREE (Continued)

B121716 People (Not for Publication)
v.
Colbert

The judgment is affirmed, except that appellant's sentence is vacated, the true finding that appellant suffered a prior felony conviction under the Three Strikes law is reversed, appellant's admission that he suffered same is vacated, and the matter is remanded for a new trial on the prior felony conviction allegation.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B131390 People (Not for Publication)
v.
Chab H.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B118721 People (Not for Publication)
v.
Fischer

The judgment is affirmed, except that the precommitment credit award is modified to award appellant an additional day of custody credit plus, pursuant to Penal Code section 4019, an additional 97 days conduct credit. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B131593 People (Not for Publication)
v.
Pedro A.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B125674 People
v.
Holden

Filed order denying petition for rehearing.

April 13, 2000-Continued

DIVISION FOUR (Continued)

B137185 Karen B. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Berle, J. (Assigned)

108171-00

The HONORABLE ELIHU M. BERLE, Judge of the Los Angeles Municipal Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division FOUR, as a Justice thereof, on the following dates:

MAY 18, 2000

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: April 3, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FOUR (Continued)

B130648 Valdez (Not for Publication)

v.

Owens-Brockway Glass Container, Inc. and William Todd

The judgment is affirmed. Costs on appeal are awarded to respondents.

Hastings, Acting P.J.

I concur: Curry, J.

I dissent: Berle, J. (Assigned) (Opinion)

DIVISION FIVE

B134611 People (Not for Publication)

v.

Fernando Reyes

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.

Godoy Perez, J.

B133131 People (Not for Publication)

v.

Agustin Nolasco

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Turner, P.J.

Armstrong, J.

April 13, 2000-Continued

DIVISION FIVE (Continued)

B134483 People (Not for Publication)
v.
Deanthony T.

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B134085 People (Not for Publication)
v.
Ramon Hurtado

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B133821 People (Not for Publication)
v.
Jerrold Robinson

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B134578 People (Not for Publication)
v.
Anthony Iannalfo

The trial court is directed to issue an amended minute order deleting the reference to state prison and replacing it with a statement that appellant is committed to the custody of the State Department of Mental Health for a period of two years pursuant to Welfare and Institutions Code section 6604. The trial court is to forward a copy of this amended minute order to the Department of Mental Health immediately. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B132506 People (Not for Publication)
v.
Christian M.

Appellant's offense of felony battery with injury in violation of section 243, subdivision (c)(2) is reduced to misdemeanor battery in violation of section 243, subdivision (b), and this matter is remanded for resentencing. The juvenile court's orders are affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

April 13, 2000-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B135089 Charles W. Troupe (Not for Publication)
v.
Los Angeles City Council et al.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B124988 David M. Banks et al. (Not for Publication)
v.
Acme Laundry Products, Inc., et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B123075 David Darwish et al. (Not for Publication)
 v.
 Steven Reitzgeld

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B137097 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Wilma V.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B134783 People
 v.
 Darryl Darden

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B134470 Tyson v. Department of Motor Vehicles
B135597 Department of Social Services v. Dale R.

Argument waived, cause submitted.

B128724 Lindstrom v. Cook

Argument continued to May.

B132654 Huson
v.
Ventura County

Merits:

Argued by Jonathan M. Coupal for appellant and by William C. Moritz, assistant county counsel, for respondent. Cause submitted.

B132646 Touch Up, Inc.
v.
Patriot Homes, Inc.

Merits:

Argued by William Kelsberg for appellants/cross-respondents and by John D. Hanover for respondent/cross-appellant. Cause submitted.

B133617 Pannkuk
v.
Carlson

Merits:

Argued by Raymond Carlson, appellant in propria persona, and by Lawrence T. Sorenson for respondent. Cause submitted.

DIVISION SIX (Continued)

Coffee, J. left the bench.

B132535 Whiting
 v.
 Santa Barbara County

Merits:

Argued by Jana Zimmer for appellants; by Alan Setzer, deputy county counsel, for respondent Santa Barbara County; and by Steven Evans Kirby for respondent Buellflat Rock Co. Cause submitted.

Court recessed at 11:25 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B122084 People v. Walker
B124063 People v. Alexander & Moore
B125868 People v. Thames
B126176 People v. Woolen
B127178 People v. Salcido
B128396 People v. Fyffe
B128874 People v. Garcia
B128879 People v. Gonzalez & Brockett
B129345 People v. Barbosa
B129715 People v. Dotson & Parks
B130432 People v. Guevara
B130561 People v. Trujillo
B130856 People v. Tu'uu
B131317 People v. Alvarado
B131718 People v. Reyes & Hernandez
B132065 People v. Thornhill
B132256 People v. Bowen
B133004 People v. Gonzalez

DIVISION SIX (Continued)

Each of the following (cont.):

B133310 People v. Acosta
B133692 People v. Ortega
B136147 People v. Mara

Argument waived, cause submitted.

B135104 People
 v.
 Del Pozzo

Merits:

Argued by Wayne C. Tobin for appellant and by Alan D. Tate, deputy attorney general, for respondent via video conference. Cause submitted.

B131322 People
 v.
 Guglielmelli

Merits:

Argued by Douglas C. Littlejohn for appellant and by Hye Y. Yang, deputy attorney general, for respondent via video conference. Cause submitted.

B129386 People
 v.
 Flores

Merits:

Argued by Sylvia W. Beckham for appellant and by Theresa A. Cochrane, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B135269 People
 v.
 Jones

Merits:

Argued by George Schraer for appellant and by Hye Y. Yang, deputy attorney general, for respondent via video conference. Cause submitted.

B129641 People
 v.
 Cornelius

Merits:

Argued by Dan Mrotek for appellant and by Gary A. Lieberman, deputy attorney general, for respondent via video conference. Cause submitted.

B138334 Griego
 v.
 Ventura County Superior Court
 The People

Order to Show Cause:

Presented by Paul B. Blatz for petitioner. Presented by David Lehr and Miriam R. Arichea, deputy district attorneys, with the court's permission for real party in interest. Cause submitted.

B136178 People
 v.
 Robles

Merits:

Argued by Reyna Manulkin Tanner, deputy attorney general, for appellant via video conference and by Peter Dullea, deputy public defender, for respondent. Cause submitted.

DIVISION SIX (Continued)

B139529 In re Townsend on Habeas Corpus

Order to Show Cause:

Presented by Joseph W. Townsend for petitioner and by William Carroll, deputy city attorney, for respondent.

Counsel for respondent allowed 15 days to serve and file a supplemental brief on additional issues. Counsel for petitioner allowed 10 days thereafter to reply, at which time, the matter will stand submitted.

Perren, J. left the bench.

B134217 People
 v.
 Asgari

Merits:

Argued by Janet I. Levine for appellant and by Thomas C. Hsieh, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 3:40 P.M.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B121062 People v. Brown
B126718 People v. Oraheta & Iraheta
B127243 People v. Elder
B128188 People v. Figueroa
B129218 People v. Foster
B130456 People v. Binns
B130475 People v. Vonjoski
B130640 People v. Lopez
B130878 People v. Arevalo

DIVISION SEVEN (Continued)

Each of the following (continued):

B131176 People v. Martinez
B131235 People v. Younger
B131493 People v. Hinn
B132327 People v. Leon
B134406 People v. Alberto G.
B133539 People v. Swan
B133674 People v. Morgan
B134239 People v. Edwards
B135705 People v. Jasmine R.
B135750 People v. Robinson
B128993 Granado v. Granado
B138775 Anthony T. v. S.C.L.A.
B138434 Maria P. v. S.C.L.A.
B131968 McCormick v. McCormick
B128666 Tabet v. State of Calif., Dept. of Health Services

Argument waived, cause submitted.

B118522 People
 v.
 Taylor

Oral argument continued to the May, 2000 calendar.

B132695 Lawseth
 v.
 Huber et al.

Merits:

Argued by Thomas M. Banks for appellant and no appearance by counsel for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B131577 People
 v.
 Gonzalez

Merits:
Argued by Allison H. Ting for appellant and by Scott Quan, deputy attorney general, for respondent. Cause submitted.

B127306 Rhodes
 v.
 Aguilar

Merits:
Argued by Richard N. Deyo for appellant and no appearance by counsel for respondent. Cause submitted.

B130197 People
 v.
 Vargas

Merits:
Argued by Katharine Greenebaum for appellant and by Michael Whitaker, deputy attorney general, for respondent. Cause submitted.

B132643 People
 v.
 Martinez

Merits:
Argued by William L. Heyman for appellant and by Jennevee H. De Guzman, deputy attorney general, for respondent. In open court both parties are directed to file supplemental briefs 5+5. Submission deferred until the filing of the last brief.

Court recessed.

DIVISION SEVEN (Continued)

Court reconvened at 10:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma J. Amos, Deputy Clerk.

B128651 People
 v.
 Robertson

Merits:

Argued by Geri L. Green for appellant and by Sharlene A. Honnaka, deputy attorney general, for respondent. Cause submitted.

B130614 Jackson
 v.
 Cohen et al.

Merits:

Argued by Robert D. Belshaw for appellant and by Thomas J. Feeley, deputy city attorney, for respondents. Cause submitted.

B126207 That
 v.
 3D Systems, Inc.

Merits:

Argued by Dinh Ton That, appellant in propria persona, and by Alisa M. Chevalier for respondent. Cause submitted.

B133228 Los Angeles County, D.C.F.S.
 v.
 Dewanda A.

Merits:

Argued by Judy Weissberg-Ortiz for appellant and by Pamela Soncini, deputy county counsel, for respondent and by Craig Arthur for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B137346 Joe K.
 v.
 Superior Court, Los Angeles County
 (Department of Children & Family Services, r.p.i.)

Merits:

Argued by Lawrence E. Fluharty for petitioner and by Jerry M. Custis,
deputy county counsel, for real party in interest. Cause submitted.

B122907 Koenekamp
 v.
 Koenekamp

Oral argument continued to May 4, 2000 at 9:00 A.M.

B133240 Aman
 v.
 Park Wellington Owners' Association

Oral argument continued to May 5, 2000 at 10:00 A.M.

B134844 Abratte
 v.
 W.C.A.B.
 (County of Los Angeles, r.p.i.)

Merits:

Argued by Karin V.L. Gomez for petitioner and by Monroe T. Clewis for
real party in interest and by Edmund E. Mozulay, deputy county counsel,
Robert M. Unruh, deputy city attorney for amicus. Cause submitted.

Court recessed at 12:05 P.M.

DIVISION SEVEN (Continued)

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (assigned) and John P. Lepo, Deputy Clerk.

B134388 Cousine
 v.
 City of Los Angeles

Appearances:

Patricia Kinaga for appellant and by Diane Marchant for respondent.
Argument waived, cause submitted.

B136106 Los Angeles County, D.C.F.S.
 v.
 Julie N.
 In re Stephanie B.

Appearances:

Tyna Thall Oren for appellant and by Sterling Honea, deputy county
counsel, for respondent. Argument waived, cause submitted.

B130292 People
 v.
 Rim

Merits:

Argued by Daniel G. Koryn for appellant and by Mitchell Keiter, deputy
attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B127986 Miller
 v.
 Bay Harbor Hospital
 Schneiderman

Merits:

Argued by Louis John Bertsche for appellant and by Mark Powell for respondent Schneiderman. No appearance on behalf of respondent Bay Harbor Hospital. Cause submitted.

B119252 Rayburn
 v.
 Aazami
B119252 Rayburn
 v.
 Aazami

Merits:

Argued by David Alan Cooper for appellant and by Matthew L. Taylor for respondent. Cause submitted.

B128577 Kutsuna
 v.
 Fujita Corporation

Merits:

Argued by Charles C. McKenna for appellant and by Harriett Posner for respondent. Cause submitted.

Court adjourned at 3:05 P.M.